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The Oxymoron of Perpetual Temporary Protection: Syrians in Turkey

El oxímoron de la protección temporal perpetua: Sirios en Turquía

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The crisis in Syria has entered its fifth year, becoming a protracted conflict in international conflict terminology. Based on figures compiled by the United Nations High Commissioner for Refugees (UNHCR), as of March 16, 2016, there were 4.8 million registered Syrians in the neighboring countries of Egypt, Iraq, Jordan, Lebanon, and Turkey. Data provided by the Directorate General of Migration Management (DGMM) in Turkey show that as of March 24, 2016, 2.75 million, or 57 % of the people mentioned above, were registered in Turkey. While 10 percent of the Syrians in Turkey were living in camps, the rest were dispersed in various Turkish cities. Three cities—Şanlıurfa, Istanbul, and Hatay—host more Syrians combined (1.2 million) than the entire European continent, where the total Syrian asylum applications were 935,008 for the period between April 2011 and January 2016.

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) says that in 2015, some 885,000 migrants arrived in the EU via the eastern Mediterranean route, i.e., from Turkey to Greece. This number was 17 times higher than the number in 2014, which was already considered a record year. The Missing Migrants Project of the International Organization for Migration (IOM) reports that between January 1 and March 29, 2016, 149,534 people crossed the Aegean Sea to reach Europe, and that 366 of them lost their lives.

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In reaction to the large number of crossings, Turkey and the EU finalized an agreement, widely regarded as a dirty deal by critics, where Turkey promised to take back migrants who reach Greece irregularly, in return for the relocation of registered Syrian refugees from Turkey to Europe. This one-in, one-out deal, while forcing people back to Turkey, ideally would deter them from crossing the Aegean and collapse the human-smuggling trade. The deal was criticized because, in return, Turkey was promised that the EU would grant visa-free travel to Turkish citizens, as soon as the summer of 2016, accelerate Ankara's EU membership application, and increase financial aid from 3 to 6 billion euros to help Turkey manage the refugee crisis. Also, the agreement presumes Turkey to be a safe third country, which is highly doubtful given the recent bombings, the situation in the southeast, and rising authoritarianism in the country.

We can argue that up until September 2, 2015, Europe had turned a blind eye to the Syrian refugee crisis. This was until the image of the dead body of a 3-year-old Kurdish Syrian boy named Alan Kurdi made it to the global headlines. Many people began to question what Europe was doing for these people, but very few people reflected on the question of why these people were trying to leave Turkey. A typical argument of a person in Turkey would be, "See, we have opened our borders to these people and gave them a safe haven, but Europe is closing its doors." This argument was only partially true. Turkey did not follow an open door policy all the time and certainly not for everybody. Reports from the field showed that borders were periodically opened, and non-Sunni Arab Syrians had a harder time crossing into Turkey. Since October 2015, Turkey has been following a closed-door policy.

Since the early 2000s, migration scholars, activists, and fieldworkers have been arguing that Turkey was becoming a country of immigration and transit. However, it took the state a decade to come up with legislation to react to the phenomenon. Turkey passed its first law on migration and asylum, Law 6458 on Foreigners and International Protection, in 2013, which declares three types of international protection: refugees, conditional refu-

gees, and subsidiary protection. Following the Geneva Convention, Article 61 of the law defines a refugee as

> (a) person who as a result of events occurring in European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his citizenship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process.

The definition of a conditional refugee is largely similar, but owing to the geographical limitation that Turkey places on the convention, a conditional refugee is a person who becomes a refugee as a result of events occurring outside European countries, and who "shall be allowed to reside in Turkey temporarily until they are resettled to a third country" (Article 62). Subsidiary protection is given to a "foreigner or a stateless person who could not be qualified as a refugee or as a conditional refugee" (Article 63).

Syrians in Turkey belong to neither of the categories. When they first arrived in Turkey in 2011 in large numbers, the government largely promoted them as guests who needed Turkish hospitability. Over time, it was realized that guest did not make any sense in terms of international law. Thus, Turkey created a temporary protection regime (TPR). "Temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection" (Article 91).

Thus, although we talk about a Syrian refugee crisis, in the Turkish context these people do not have the right to receive refugee status. They do not even have the right to apply for condition-

al refugee status to be resettled to a third country. They are under a temporary protection regime. What does temporary protection regime mean, in fact? I cannot go into the details of the negative psychological impacts of having temporary status for people who fled war and who are trying to hold on to their lives in a foreign country. However, this ongoing temporariness for the last five years has definite impacts on people's daily lives.

Let me start with the issue of children's education. In Turkey, 47 % of the registered Syrian population is female, and 49 % is children below age 19. Syrian parents have various options to send their children to school, but there are many conditions to meet. To begin with, many families rely on their children to work. Child labor is becoming a big problem in Turkey. Thus, the first option for many families is not to send their children to school at all.

If families do not rely on their children to work, a second option is for the children to be registered at public schools. There are three main issues with this option. First, families have to be acquainted with the system. It is not very easy for Syrians to register their children, although recently, many local groups have been helping families with the process. Second, not all schools have space in their classrooms. There is an undefined quota system where principals use their discretion. Third, Syrian children need to know Turkish to survive in the system. Turkey still has a Ministry of National Education, where education in the mother tongue is a very politically charged issue given the Kurdish question.

A third option is to send Syrian children to a school that has a protocol with the Ministry of National Education, but families usually need to pay a registration fee that they often cannot afford. Moreover, education in these schools is not necessarily secular, but usually follows a Sunni Islam curriculum. A final option is for families to send their children to a school without a protocol with the ministry, where all the negative conditions in the previous scenario prevail, in addition to that students' diplomas will not be accredited in the system, blocking the students' path to higher education.

Besides education, health services have also been problematic. All Syrians registered under the temporary protection regime have the right to go to public hospitals for treatment. A basic problem with this has been the language barrier between the hospital personnel and the patients. Many hospitals needed translators in Arabic and Kurdish, which were usually provided in ad hoc arrangements thanks to the efforts of civil society. At the same time, there were many Syrian doctors and nurses whose services could not be utilized. Furthermore, in Istanbul, a city of 17 million people, for four years there was only one pharmacy that served Syrians with their prescriptions. Recently, there have been efforts to improve the services. There are clinics serving migrants, and more pharmacies providing medication. Better late than never.

Another major issue has been work permits. Turkey recently passed regulations to grant work permits to Syrians registered under the temporary protection regime. Accordingly, Syrians are allowed to take on seasonal work in agriculture and livestock. In other sectors, work permits are granted only when employers are supporting the application. Moreover, there is a quota system where in a factory of 100 workers, for example, an employer can only employ 10 Syrians. For smaller businesses with fewer than 10 employers, the quota is for only one Syrian worker.

All in all, there seems to be a slow realization in Turkey that Syrians are not going anywhere any time soon, and that we have to start discussing different mechanisms of integration—policy makers prefer to use the word harmonization—. This is a hard task. Despite the findings presented by the migration literature, policy makers and the public are far from understanding integration as a two-way process. At the end of five years, public opinion about Syrians is turning negative. For many, increasing housing rents, loss of jobs, and whether Syrians will be granted citizenship are big concerns.

There are two important points that both policy makers and the public need to acknowledge: first, Turkey is no longer becoming a country of transit and immigration, but is a country of immigration. Even if the crisis in Syria were resolved today, many Syrians would not be able to return overnight. Moreover,

migration literature, especially case studies on forced migration, have shown that migration is usually a life-changing event for many where reverse patterns of mobility—return, but continuing transnational ties—are rarely observed. Second, while there is a general tendency to treat migration as a threat, there are many studies showing how migration can become an opportunity. We need to talk more about best practices. Many people whine about Syrians stealing local jobs, but very few consider companies established by Syrians. Thus, policy makers need to listen to migration experts more than ever.

The current course of events in the region does not project a positive picture for the future. Therefore, we need to begin discussing mechanisms of fast integration of the Syrians into their host societies. A major shift has to be made from aid-based to rights-based policy making. Instead of treating people as victims, we need to understand that they are beings with agency, with the ability to come up with tactics in response to strategies created by the states. Instead of creating an aid-dependent generation of the Syrian population, we need to grant Syrians an environment where they can establish their own lives. This can only happen by giving them more rights. A beginning can be to end the oxymoron of unending temporary protection status in Turkey. Another important step is to understand that no agreement can stop people from crossing towards Europe if they are determined to do so. Turkey, Europe, and the rest of the world have to do more to accommodate these people in humane living conditions. They are not going back to Syria. They do not want to stay temporary any more.